

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ZHARVELLIS HOLMES, as
Independent Administrator of the
Estate of MARCELLIS STINNETTE,
deceased,

Plaintiff,

v.

CITY OF WAUKEGAN, OFFICER
DANTE SALINAS, OFFICER JAMES
KEATING, and WAUKEGAN POLICE
CHIEF WAYNE WALLES,

Defendants.

Case No. 1:20-cv-06437

**PLAINTIFF'S EMERGENCY MOTION FOR A PROTECTIVE ORDER
TO PRESERVE EVIDENCE**

NOW COMES, plaintiff, ZHARVELLIS HOLMES, as independent administrator of the Estate of MARCELLIS STINNETTE, deceased, by and through her attorneys, O'CONNOR LAW FIRM, LTD., for her emergency motion to preserve evidence, states as follows:

- 1) This lawsuit arises out of a police-involved shooting that led to the death of MARCELLIS STINNETTE.
- 2) MARCELLIS was shot and killed by OFFICER SALINAS, after an encounter with OFFICER KEATING.
- 3) The lawsuit alleges, *inter alia*, that the defendants violated the civil rights of MARCELLIS STINNETTE, which caused his death.

4) The Plaintiff hereby requests an order requiring the preservation of certain evidence such as:

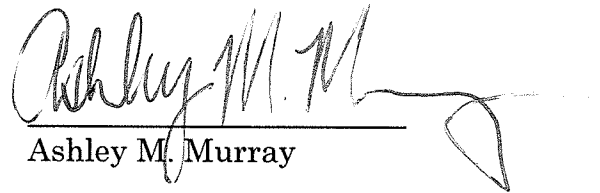
- a. Unedited body camera footage and audio from October 20, 2020;
- b. Unedited dashboard camera footage and audio from October 20, 2020;
- c. Any and all evidence relating to the incident from October 20, 2020 involving the Waukegan Police Department, including but not limited to, dispatch recordings, officer and vehicle location data, vehicle GPS information, and any other electronically stored information recorded by systems in the responding officers' cars;
- d. Any records of communication between officers and individuals employed by Waukegan Police Department or the City of Waukegan relating to or concerning the October 20, 2020 incident;
- e. Any third-party surveillance footage obtained by the Waukegan police department and/or available through the Illinois State Police related to the October 20, 2020 incident;
- f. Retention of any citizen complaints, interdepartmental/internal complaints (submitted by other officers), investigation files, and all other disciplinary records for Officer Keating and Officer Salinas;
- g. Contact cards and/or other similar systems used by the Waukegan Police Department to track and/or record officer interactions with members of the public;
- h. Electronically stored information relating to active warrant searches performed by Waukegan Police officers on October 20, 2020;
- i. Electronically stored information present on computers within responding officers' vehicles on October 20, 2020;
- j. Recordings of any 9-1-1 emergency calls regarding the October 20, 2020 incident;
- k. Names and addresses of any known witnesses to the shooting and/or pursuit on October 20, 2020;
- l. Any and all photographs and physical evidence collected at the scene of the shooting at any time after the shooting took place;

m. Any and all information relating to examination or results of examinations performed by medical personnel and/or medical examiners who viewed MARCELLIS STINNETTE'S body after the shooting.

5) All of the above-listed information and evidence is relevant to Plaintiff's claims in this case. This evidence is relevant to, among other things, proving Plaintiff's *Monell* claim. As such, the court should enter an order requiring the preservation of such information.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an order requiring the Defendants to halt any routine document destruction policies and to preserve all of the above-listed information and data in its original form.

Respectfully submitted,



Ashley M. Murray

Ashley M. Murray (ARDC #62313564)
O'CONNOR LAW FIRM, LTD.
19 South LaSalle Street, Suite 1400
Chicago, Illinois 60603
Phone: (312) 906-7609
Fax: (312) 263-1913
amurray@koconnorlaw.com
firm@koconnorlaw.com